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Attorneys for Defendant

POST-CONFIRMATION TRUST

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;

Plaintiff,

vs.

HAWAIIAN EXPRESS SERVICE,  
(Caption Continued)

) CIVIL NO. CV03-00385 SOM-LEK

) (Copyright)

)

) **NOTICE OF MOTION**

) **REGARDING DEFENDANT PCT'S**

) **RENEWED MOTION FOR**

) **JUDGMENT AS A MATTER OF**

) **LAW AGAINST ENTITLEMENT**

) **TO PROFIT AND VICARIOUS**

) **LIABILITY; DEFENDANT PCT'S**

) **RENEWED MOTION FOR**

INC., et al.,

Defendants.

) **JUDGMENT AS A MATTER OF**  
) **LAW AGAINST ENTITLEMENT**  
) **TO PROFIT AND VICARIOUS**  
) **LIABILITY; MEMORANDUM OF**  
) **POINTS AND AUTHORITIES IN**  
) **SUPPORT OF DEFENDANT PCT'S**  
) **RENEWED MOTION FOR**  
) **JUDGMENT AS A MATTER OF**  
) **LAW AGAINST ENTITLEMENT**  
) **TO PROFIT AND VICARIOUS**  
) **LIABILITY; DECLARATION OF R.**  
) **OLIVIA SAMAD IN SUPPORT OF**  
) **DEFENDANT PCT' S MOTION FOR**  
) **RENEWED MOTION FOR**  
) **JUDGMENT AS A MATTER OF**  
) **LAW AGAINST ENTITLEMENT**  
) **TO PROFIT AND VICARIOUS**  
) **LIABILITY, FILED ON MARCH 23,**  
) **2006; EXHIBITS "A" – "C";**  
) **CERTIFICATE OF SERVICE;**  
) **EXHIBIT "A"**  
)  
) Non-Hearing Motion  
)  
) Judge: Hon. Susan O. Mollway  
) Trial Date: February 28, 2006  
)  
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)  
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**NOTICE OF MOTION REGARDING DEFENDANT PCT'S  
RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW  
AGAINST ENTITLEMENT TO PROFIT AND VICARIOUS LIABILITY**

TO: Timothy J. Hogan, Esq.  
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Justin Fukumoto, Alfreda Waiolama and Jacqueline Rio

NOTICE IS HEREBY GIVEN that the undersigned has filed DEFENDANT PCT'S RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW AGAINST ENTITLEMENT TO PROFIT AND VICARIOUS LIABILITY with the above-entitled Court. Any opposition to this Motion must be filed with the Court no later than eleven (11) days after service of the Motion. If service of the motion has been made by mail pursuant to Rule 6(e) of the Federal rules of Civil Procedure, than any opposition to this Motion must be filed with the Court no later than fourteen (14) days after service of the Motion.

DATED: Honolulu, Hawaii, March 23, 2006.

/s/ Thomas H. Yee

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